

AE

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

UNITED STATES OF AMERICA, )  
 )  
 Plaintiff, )  
 )  
 v. ) No. 06 C 1304  
 ) (04 CR 13)  
 TWAN STEPHENSON, )  
 )  
 Defendant. )

MEMORANDUM ORDER

Twan Stephenson ("Stephenson") has filed a self-prepared motion under 28 U.S.C. §2255 ("Section 2255") by which he seeks to challenge the 120-month custodial sentence that this Court imposed on March 28, 2005 and that he is now serving. Stephenson's motion identifies two respects in which his counsel assertedly violated his constitutional rights by rendering ineffective assistance:

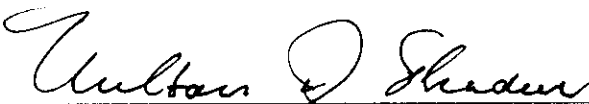
1. Even though Stephenson says he instructed his lawyer to file a notice of appeal, his counsel disregarded those instructions<sup>1</sup> (see Rowe v. Flores-Ortega, 528 U.S. 470, 477 (2000)).
2. Before this Court, Stephenson's counsel had failed to argue that the cocaine involved in the offense of conviction, though concededly a form of cocaine base, was not "crack," an argument that if successful could have

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<sup>1</sup> It is certainly true that no appeal was taken on Stephenson's behalf.

resulted in a dramatically lower sentence (see United States v. Edwards, 397 F.3d 570 (7<sup>th</sup> Cir. 2000)).

From the nature of Stephenson's motion it is clear that both an answer and an evidentiary hearing are required (see Rules 5 and 8 of the Rules Governing Section 2255 Proceedings for the United States District Courts). As the first step in that process, this Court orders that the United States file its answer to Stephenson's motion on or before April 24, 2006, following which this Court will address the next step of scheduling the necessary evidentiary hearing.

  
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Milton I. Shadur  
Senior United States District Judge

Date: March 10, 2006